

City Council Special and Regular Meetings, August 28, 2001

Twin Pines Senior and Community Center, 1223 Ralston Avenue

**SPECIAL MEETING: 6:00 P.M.**

**CLOSED SESSIONS**

A. Conference with Legal Counsel, ongoing litigation, per Government Code Section 54956.9:

1. City of Belmont vs. Clay and Rima Cavanaugh, San Mateo County Superior Court Case 415491.

Attended by Councilmembers Warden, Cook, Wright, Rianda, Hahn, City Manager Kersnar, and City Attorney Savaree. City Clerk Kern was excused from attending

**Adjournment** at this time, being 6:10 P.M.

Kathy Kern

Belmont City Clerk

**CLOSED SESSION – 6:10 P.M.**

B. Conference with Property Negotiator, City Manager Kersnar, per Government Code Section 54956.

1. APN 045-244-150

Attended by Councilmembers Warden, Cook, Wright, Rianda, Hahn, City Manager Kersnar, City Attorney Savaree and Attorney Colantuono, Law Firm of Neufled, Jaffe, Levin & Colantuono. City Clerk excused from attending.

**Adjournment** at this time, being 6: 25 P.M. this Closed Session was adjourned.

**Meetings not tape recorded.**

Kathy Kern

Belmont City Clerk

**STUDY SESSION - 6:30 P.M.**

**Report by San Juan Sub-Committee regarding Lot Merger Program.**

Community Development Director Ewing and Attorney Colantuono reported on the possibility of merging the undeveloped lots in the San Juan Hills Area. Community Development Director Ewing used graphics to show where and how lots on Alhambra, Monte Cresta, San Ardo, Marburger, Upper/Lower Lock and Bartlett Way could be merged. He reviewed the California Subdivision Map Act rules for merger, and stated that the process would begin with adoption of the Resolution of Intent at this meeting. He stated that a Public Hearing would be held on October 9<sup>th</sup>, along with the second reading of the Ordinance. Following this, a Notice of Intention to Determine Status would be sent to eligible property owners. Community Development Director Ewing outlined the procedure for the owner's request for a hearing, and the process that would be followed. He stated that if appeals were received, they would cluster them together with common fact patterns.

**Adjournment** at this time, being 6:55 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

**Meeting tape recorded and televised.**

Tape No. 502

**REGULAR MEETING - 7:30 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Cook, Warden, Wright, Rianda, Hahn

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, City Attorney Savaree, Community Development Director Ewing, Public Works Director Curtis, Finance Director Fil, Police Commander Mattei, Human Resources Director Dolan, Fire Chief Jewell, IT Manager Harnish, City Clerk Kern

**REPORT FROM CLOSED SESSION**

Mayor Hahn reported that at the Closed Sessions direction was given, but not action was taken.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by the City Council.

**PUBLIC/COUNCIL COMMENTS**

**Ms. Sylver**, 2937 San Juan Blvd, expressed concerns about the duplication of Bonding by Public Works and the Building Department for home construction.

**Mr. Vanderslice**, 470 Ralston Avenue, requested a timeframe to expect the documents he had requested five weeks ago from the City. Mr. Vanderslice asked when the minutes of the meetings regarding the appeal would be posted on the website. He stated that the summary minutes he had read stated that only two people spoke, so these needed to be amended.

Mayor Hahn stated that the City Attorney Savaree would respond to him within seven days regarding his request for documents.

**Mr. Chapman**, 2923 San Juan Blvd., stated that it was his understanding that the \$25,000 bond for on site grading and off site improvements had been instituted by staff to speed up construction. He requested that this requirement be removed, because there were already bonding requirements in place.

### **AGENDA AMENDMENTS**

Mayor Hahn announced that Consent Calendar item 4-J (Zoning Ord.) would be considered separately.

### **CONSENT CALENDAR**

**Approval of meeting minutes:** Special and Regular Meeting July 24, 2001.

**Approval of Warrant List Dated:** August 10, 2001 in total amount of \$204,361.98 and dated August 17, 2001 in total amount of \$237,730.95.

Written Communication (None)

Motion to approve Claims Management Report. (None)

**Motion to waive reading of Ordinances.**

**Resolution No. 9065** approving award of Contract to J.K. Pacific Liners, Inc. for an amount of \$163,213.05 for the Sanitary Sewer cleaning, television inspection and smoke testing, Basins 4,5, & 6, City Contract No. 412 (Bid opened 8/21)

**Resolution No. 9066** approving award of contract to Casey Construction for an amount of \$55,900.00, 1133/1145 Alameda De Las Pulgas Storm Drainage, City Contract No. 419. (Bid opened 8/21).

**Resolution No. 9067** approving award of contract to Casey Construction for an amount of \$32,100.00 for 2133 Lyon Avenue Storm Drain Project, City Contract No.436. (Bid opened 8/21).

**Resolution No. 9068** approving award of contract to Casey Construction for an amount of \$246,400.00 for Lassen Retaining Wall, City Contract No. 411. (Bid opened 8/21).

**Ordinance No. 969** amending Ordinance 360 (The Zoning Ordinance), Sections 5.4.1 and 5.4.2 regarding Auto Sales and similar uses in the Highway Commercial (C-3) Zone.(2<sup>nd</sup> reading and adoption)

**Ordinance No. 970** amending Section 2.60 ("Floor Area, Gross" definition) of the Belmont Zoning Ordinance (Ordinance 360) (2<sup>nd</sup> reading and adoption).

**Resolution No. 9069** approving an amendment to the Professional Services Agreement with T.Y. Lin International, Inc. for Conceptual Design Services for the Highway 101 Bicycle/Pedestrian Bridge for an amount not to exceed \$ 260,128.

**Resolution No. 9070** authorizing the City Manager to execute a Professional Services Agreement with Fehr & Peers Associates, Transportation Consultants, to perform a Traffic Study for the Doctor's Project at 877 Ralston Avenue. (NTE \$9,100).

**Resolution No. 9071** electing to be subject to Section 22873 of the Public Employees Medical and Hospital Care Act.

**Resolution No. 9072** of Intention to approve an amendment between the Board of Administration of the California Public Employees' Retirement Systems (PERS) and the City Council of the City of Belmont.

**Introduction** of an Ordinance authorizing an amendment to the Contract between the City Council of the City of Belmont and the Board of Administration of the California Public Employees' Retirement System. (1<sup>st</sup> reading).

**Resolution No. 9073** approving a Professional Services Agreement with Wheeler Plumbing for TV Inspection Services and Urgent Line Repair on an On-Call Basis for FY 2001-2002 for an Amount not to Exceed \$196,000.

**Action:** on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands. to adopt Consent Calendar. C. Cook abstained on approving the Minutes of July 24<sup>th</sup>.

#### **CONSIDERATION OF ADOPTION OF ORDINANCE OFF CONSENT CALENDAR**

**Mr. Nasar**, 2845 Flores Street, # 2, requested that this ordinance amendment be postponed until the Planning Commission had a chance to consider another amendment in the HRO districts that would allow Density Transfer from lots that are contiguous or non-contiguous. He stated he would also like this amendment considered after the Planning Commission had a chance to consider the 900-1200 S.F. FAR home exceptions, which would allow him to construct a larger home on his lot. He explained various scenarios that he could consider to merge two lots to construct his home, which would save trees and reduce grading.

Community Development Director Ewing stated that Mr. Nasar's proposal was on the edge of the law, and his proposal may not be approved by the Planning Commission.

In response to C. Warden, Community Development Director Ewing stated that the Planning Commission had requested further information on the 900- 1200 ft FAR exceptions. He stated that staff would not be ready to bring this forward until the first of the year.

**Action:** on motion by C. Rianda, seconded by C. Warden, and approved on a vote of 4-1, (Wright, no), to adopt:

**Ordinance No. 971** amending Ordinance 360 (The Zoning Ordinance), Section 4.7.13 regarding Floor Area Exceptions in the HRO Zones. (2<sup>nd</sup> reading and adoption).

#### **PUBLIC/HEARINGS**

**Public Hearing to consider amendment to Fiscal Year 2002 Master Fee Schedule for Appeals to City Council regarding Planning Commission Actions.**

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Finance Director Fil explained that staff had been directed to consider revision of the Appeal fee for Planning Commission decisions. He stated that he had provided Council with various options for their consideration.

C. Hahn stated that the staff had included fees from the various cities regarding this fee. She said she thought \$350 was too much for the residents to be charged.

Mayor Hahn opened the public hearing.

On motion by C. Wright, seconded by C. Rianda, and approved unanimously, to close the public hearing.

**Action:** on motion by C. Rianda, seconded by C. Warden, and approved unanimously, by show of hands, to adopt:

**Resolution No. 9074** amending Fiscal Year 2002 Master Fee Schedule for Appeals to City Council regarding Planning Commission Actions. (\$100.00 fee for individual/residential appeals; \$200 for Multi Family/Commercial appeals; fee to be refunded if Council overturns Planning Commission decision).

## **OLD BUSINESS**

**Report from Library Task Force. Recommendation to adopt a Conceptual Plan and Course of Action for Design Review for the Belmont Library.**

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**Mr. Braunstein**, Chair, Library Task Force, introduced Mr. Noll, architect from Noll and Tam, members of the Task Force, and interested parties who had attended meetings faithfully. He reviewed the three-year history of the project and explained that on July 23<sup>rd</sup> the Library Task Force voted to recommend the Conceptual Plan to the City Council.

**Mr. Noll**, Architect, Noll and Tam, reviewed the site, floor, parking and elevation plans for the library.

Finance Director Fil explained the actions that needed to be taken at this time.

Finance Director Fil explained that the State would consider Grant Applications starting in June, 2002. He reported that the staff would be hiring a grant writer to help with the various components of this application.

**Mr. Burger**, 932 South Road, thanked present and former task force members for their contributions to the Task Force. He also thanked Finance Director Fil for all his support during this process.

C. Cook thanked everyone for his or her efforts on behalf of the Library.

Mayor Hahn read the proclamation and requested that the members of the Task Force come forward to accept this Appreciation for Outstanding Public Service: D. Bomberger, C. Bonnar, D. Braunstein, R. Burger, J. Heise, D. Keogh, J. King. D. Sepah-Mansour, G. Purcell, W. Shjeflo, P. Terman, L. Chiochios, and A. Stuller.

**Action:** on motion by C. Cook, seconded by C. Warden, and approved unanimously, by show of hands, to accept Report.

**Action:** on motion by C. Warden, seconded by C. Wright, and approved unanimously, by show of hands, to accept the Conceptual Plan as the Design Review Project.

**Action:** on motion by C. Wright, seconded by C. Warden and approved unanimously, by show of hands, to appoint Steering Committee as Agent for the Owner/Applicant (City) (City Manager, Chair of Task Force and San Mateo County Librarian).

**Action:** on motion by C. Rianda, seconded by C. Cook, and approved unanimously, by show of hands, to Conditional Disband Library Task Force

Mayor Hahn requested that the New Business items be heard at this time.

## **NEW BUSINESS -**

### **Consideration of Resolution of Intent to adopt Lot Merger Ordinance.**

Community Development Director Ewing explained that this Resolution of Intent was required by the California Subdivision Map Act (Section 66451.21), and provides the basis for initiating the lot merger ordinance.

**Mr. Campbell**, 3636 Jefferson Avenue, Redwood City, stated that he was representing various property owners, and asked if this action was a result of the Crawford, Multari and Clark study that had been commissioned for the San Juan Hills Plan last year. He said that study indicated that there would be opportunities for public input before adoption of the plan. He said he had not received notice of any hearing, unless the study session held earlier was to be counted.

**Attorney Colantuono** explained that this consultant was retained to provide the analysis to identify the lots that are potentially eligible for merger. The staff report described the procedures that were required, and the Exhibit A attached outlined the nine steps that the City must do to accomplish any lot mergers. He said the action tonight was the Intention to adopt the Lot Merger Ordinance. The Ordinance would be introduced tonight, and if this plan was fulfilled by Council, this Ordinance would be adopted in October and take effect in November. Attorney Colantuono explained that the property owners would receive a Notice of Intention to Determine Status of eligible properties in October. The property owners could then request a formal hearing within 30 days. He stated that the hearings would be conducted within 60 days of the request, and only after that period would the lots actually be merged. He said there would be more opportunities throughout the process to address concerns about the properties.

C.Wright clarified that there would be other opportunities before adoption of the ordinance for community input on this lot merger ordinance.

**Action:** on motion by C. Cook, seconded by C. Warden, and approved unanimously, by show of hands, to adopt:

**Resolution No. 9075** stating its Intent to adopt a merger ordinance in conformance with the California Subdivision Map Act.

### **Consideration of Introduction of Ordinance adopting Lot Merger Ordinance**

Community Development Director Ewing reported that this Ordinance was required by the California Subdivision Map Act (Section 66451.10-66451.23) and provided the authorized criteria and procedures for merging lots in the City. He explained that the appeal process would come directly to the City Council.

**Action:** on motion by C. Rianda, seconded by C. Wright, and approved unanimously, by show of hands, to introduce:

**Ordinance** amending the Subdivision Ordinance by Adding Section 17 establishing Rules and procedures governing City-Initiated mergers of contiguous parcels in Common Ownership. The public hearing to be set for October 9<sup>th</sup>.

**Discussion and direction regarding the results of the Origin/Destination (O&D) Study.**

**Mr. Sowers**, Kimley Horn Associates stated that the overall goal of this project was to verify the amount of cut-through traffic on Ralston Avenue, and determine the principal routing into and out of the City. He noted that this survey was conducted from 12 observation points, in both directions, throughout the City, on one-week day peak AM and PM, and one weekend peak period. He explained the process that they used to collect this data at the observation points. This included a license plate survey with audio backup, and video collection on Ralston Avenue in the peak direction. Mr. Sowers said they determined the typical day and time for these corridors, which allowed them to estimate the maximum travel time for each car to reach a destination point. Mr. Sowers reported that 26 percent of the weekday/weekend traffic going eastbound, either passed through or stopped in Belmont. He reported that the percentage was higher westbound, and most of that traffic was attributed to cars coming east of the City limits, east of State Route 101. He said the data indicated that approximately 16 percent of the traffic came from this direction.

In response to C. Warden, Mr. Sowers stated that he had not studied the percentage of traffic that ended up on the other side of Highway 101.

City Manager Kersnar explained that the charts indicated that 30 percent of the traffic passed through Belmont, and 70 percent stops and stays. He noted that only 10 percent of through traffic passed on Ralston Avenue.

C. Wright stated that it appeared that the testing was valid, and the sampling was consistent.

C. Warden stated he had a hard time believing that 1 out of 3 cars stopped in town, or that it took 10 minutes for travel time through the City. He said he did not believe that 20 minutes was enough time to assess whether cars stopped, or proceeded on through to another destination.

In response to C. Warden, Mr. Sowers stated that they went back and did a manual match on the data collection, and he felt confident with the information.

C. Rianda stated that it was clear to her that U. S. Highway 101 was the main feeder of traffic through Belmont. She said this 33 percent increase in non-Belmont trips was intolerable to the residents.

She said she would like to suggest that staff consider timing the signals to allow the residents better access to Ralston Avenue. She said she would like further clarification on the suggestion to improve intersections, and an explanation on how congestion would be improved for the residents.

C. Rianda said she would like to see some substantial steps taken, that would make Ralston Avenue more user friendly for the residents. C. Rianda said she would like to get the 33 percent of non-Belmont trips down to 10 or 15 percent, which may be more acceptable for the community.

C. Wright stated that these numbers were lower than expected. He said the conclusion for him was that the population was younger, and there were more drivers per household, which also added to the volume of cars.

C. Cook wondered if one of the goals would be to increase the time it took to travel from one end of Ralston to the other, or reduce it. She said if the goal was to make the traffic flow safer, than we must accept there would be ingress/egress from feeder streets.

Assistant City Engineer Jones stated that there were methods to use to create gaps in the traffic.

C. Warden stated he would like staff to look at traffic control light timing at the City limits vs. within the City.

Mr. Kranen, 1902 Notre Dame Avenue, stated that the analysis did not contain the maximum corridor travel time. He wondered if it really was 10 minutes.

City Manager Kernsar explained that staff would provide a follow-up report as soon as the answers could be ascertained. He said the report would include the issues raised and the short recommendation that has been referenced.

#### **Report on the bid analysis for City Hall/Police Facility Retrofit, City Contract No. 415.**

Public Works Director Curtis explained that the staff had requested extra time to analyze why the bids for this project had come in so high. He said at the next regular meeting, staff would return with options for Council consideration. He explained that the low bidder had sent a request to rescind his bid, because of a numerical error in the bid figures. Public Works Director Curtis stated that most of the bids were in the neighborhood of \$7.8 million, with a 4 percent spread between the bidders. He said it became very apparent that this was the cost to do this job, even though the estimate was projected at \$5.2 million. He explained that the estimate was low, because the estimators only had 77 percent of the project defined at the time of the estimate. This estimate was done before the plan check was complete, when more plan sheets and changes were added to the project. He explained that the foundation work and keeping the staff in the building added a great deal to the cost of the bid. Public Works Director Curtis explained that there were 60 days in which to take action and make a decision. He listed the various options and said that the two main priorities for this project were to provide an Essential Services Facility for the Belmont Police, and a customer service center where citizens and applicants could be served in an efficient and effective manner.

In response to C. Hahn, Public Works Director Curtis explained that the low bidder had made mathematical errors on \$285,000 of bid items.

C. Hahn stated that even if we provide an Essential Services Facility and a one stop counter, this building is not safe to run Government Operations.

City Manager Kersnar stated that this building meets the Building Codes in place at the time of construction. He said that by combining the facilities, and moving the police, the Essential Facility

Use triggered a much higher code standard. He said the building could continue to be used at its current occupancy today without upgrade.

City Manager Kernsnar stated that the analysis indicated we had not been served well by the consultants working for us. He said that when a project was 50 percent over the estimate, it indicated that that fundamental concept of the project was flawed, given the budget available. He explained that the analysis indicated that the estimator did not have valid information available to do a good estimate at the 90 percent level. City Manager Kernsnar said that if this information had been provided earlier, the bad news could have been delivered months earlier.

C. Warden stated it was staggering to have the bidders come within 4 percent of each other, and to have the City estimate 52 percent under the bid.

**Mr. Lawhern**, 408 Hiller Street, stated the City Hall could function fine as it was today, but the police were in dire need of a building. He said it was past time to upgrade their facility.

C. Rianda stated that it was very frustrating to think that this project had been worked on over 12 years and nothing had been accomplished. She said she could not imagine the estimator charging, for their services, when they did not do a complete job.

City Manager Kernsnar stated that the estimator worked for the architect and all the figures were coming from one firm. He said this error should have been caught at the 10% stage, and reconsidered, instead of developing the project to the point that we did. He said they would be reviewing the contracts to see what our requirements are in this matter.

C. Rianda stated that the City Hall building was built to the existing codes at the time. She said it was not up to today's standards and she hoped that it would be done. She said the reason the Police Facility was planned for this existing building was that Council was told there wasn't enough funding to build the City Hall. She said this project needed to be managed so that we end up with a finished product.

City Manager Kernar stated that the staff had some cautious optimism that we may end up with a project that meets our needs, with the funds available in an expeditious timeframe. He said he thought there may be an opportunity to do something about the Police Facility in the near future.

In response to C. Wright, City Manager Kernsnar stated that he thought a plan could be conceptualized within the framework of the options that had been presented.

**Mr. McLaughlin**, 3313 Plateau Drive, said he remembered that it had been built 30 years ago to be sold to the City to use as the City Hall. He said a few years ago the City Manager moved the staff into this building without a Public Hearing. He suggested that the current City Hall be converted into low cost housing and he recommended that the Mid-Peninsula Water District, the Belmont/Redwood Shores Elementary School District and the City all cooperate and occupy a centrally located building on the Barrett site. Mr. McLaughlin stated he thought a City Hall could be built that the City would be proud of, and then we would get out of the Real Estate business by renting out spaces in the current City Hall.

**Mr. Bauer**, 1027 Tahoe Drive, suggested that the current City Hall be torn down and start over with a new plan. He said he thought the Police needed a facility of their own. He said all the options needed to be considered.

City Manager Kersnar stated there may be an option out there that meets our needs to some degree, and it is possible that this \$8 million is the best cost we will get.

C. Rianda stated that one of the driving forces behind this was the need to serve the public better with a one-stop permitting process, because the process now was disjointed now. She said this \$8 million might be the best figure we will get for construction of a City Hall.

#### **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

**Discussion and direction regarding letter from Supervisor's Nevin and Church in regard to seeking alternative animal control services for the City of Belmont.**  
**(Hahn)**

City Manager Kersnar explained that the City Managers in the County were studying this issue, and he would report back when the report is completed.

**Discussion and direction regarding HRO Slope Density Formula. (Warden).**

C. Warden requested that this Formula be studied to determine if changes were needed.

Following discussion, Council directed staff to return with an action item on the next agenda regarding possible changes to the slope density standard of the HRO Zones, and to request the Planning Commission consider proposed changes.

**ADJOURNMENT** at this time, being 10:00 P.M. this meeting was adjourned to a to Special Redevelopment Agency Meeting.

Kathy Kern

Belmont City Clerk

Meeting tape recorded and televised

Tape No. 502